

Application No.: 09/980,880
Reply Brief Dated: August 12, 2009

MAT-8189US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 09/980,880
Applicants: Yoshio GODA, et al.
Filed: September 3, 2002
Title: TOP SEALING PLATE, BATTERY USING THE TOP SEALING PLATE,
AND METHOD OF MANUFACTURING THE BATTERY (AS AMENDED)
1795
TC/A.U.:
Examiner: Robert W. Hodge
Confirmation No.: 1394
Docket No.: MAT-8189US

REPLY BRIEF UNDER 37 CFR 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer of **June 15, 2009**, Appellants are submitting this Reply Brief for the above-identified application.

The Status of Amendments After Final section of the Examiner's Answer indicates that the Appellant's statement of the status of amendments after final rejection is incorrect. Specifically, the Status of Amendments section indicates that the Amendment after final rejection filed on May 17, 2007 has not been entered. This Amendment is not reflected in Appellant's Appeal Brief. Accordingly, Appellants acknowledge that the Status of Amendments in the Appeal Brief is incorrect for failing to include the status of the May 17, 2007 Amendment. Appellants note that the May 17, 2007 Amendment solely cancelled claims 3 and 4, and made no further amendments to the claims. Therefore, Appellants herein concede the Examiner's rejection of claims 3 and 4.

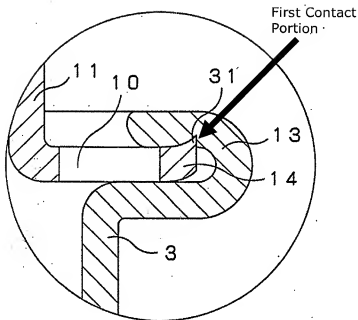
Pages 4-5 of the Examiner's Answer indicates that the Examiner considered the claim limitation "a contact pressure of said first contact portion is stronger than a contact pressure of said second contact portion" to have little or no patentable weight

because it does not limit the structure of the apparatus. On page 8 of the Appeal Brief, however, Appellants argued that this rejection was improper because the Office Actions provided no reason or explanation supporting the assertion that the claim limitation does not limit the structure. On the contrary, relative contact pressure is a structural feature which is entitled to patentable weight.

Page 5 of the Examiner's Answer indicates that "any sealant has infinite contact portions and because of the chemical nature of all sealants it is inherent that there will be weak and strong contact portions." On page 13 of the Appeal Brief, however, Appellants noted that this statement misinterprets the claims because it suggests that the first contact portion is formed by the caulk. As recited by Appellants' claim 1, the first contact portion is not formed by the caulk, but instead by the contact of a projection with a bend portion.

Page 5 of the Examiner's Answer indicates that claim 1 does not recite "where specifically the first and second contact portions are located with respect to each other." However, Appellants' claim 1 recites that the first contact portion is formed "from a contact of said projection and said bend portion" and that the second contact portion is formed "between the surface of the outer periphery end of said flange and said bend portion." Further, as reproduced below, Appellants Figure 1(b) depicts the location of the first contact portion.

Fig. 1 (b)



Page 6 of the Examiner's Answer indicates that the Examiner relied on the teaching of Nishino that a protrusion in the flange portion of the battery cap will improve fluid leakage resistance. On pages 11-12 of the Appeal Brief, Appellants argue that Nishino teaches that both a protrusion and a gasket are required to obtain improved leakage resistance. Appellants further argued that the inclusion of a gasket in the combination of the Nishino and Onagawa references would not meet Appellants' claims. Appellants' claims require a first contact portion that is "formed from a contact of said projection and said bend portion." Including a gasket, as required by Nishino, would prevent a first contact portion from forming between the projection and the

bend portion by requiring the gasket to extend between the projection and the bend portion.

Page 7 of the Examiner's Answer indicates that "the invention of Onagawa as modified by Nishino will also inherently have a strong contact portion formed around the protrusion." However, Appellants' claim 1 requires that "a contact pressure of said first contact portion is stronger than a contact pressure of said second contact portion." As recited in page 13 of the Appeal Brief, Appellants argue that neither reference discloses a first contact pressure formed from a first contact portion of a projection and a bend portion that is stronger than a second contract pressure formed by a second contract portion.

Respectfully Submitted,

Rather Prestia

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